

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

vs.

JAMES WILFRED

§
§
§
§
§

Case No. 3:00cr13
(Judge Schell)

REPORT AND RECOMMENDATION **OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on September 30, 2010, to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by Jay Johnson.

On April 12, 2001, Defendant was sentenced by the Honorable Richard A. Schell to ninety-two (92) months' custody followed by three (3) years of supervised release for the offense of Felon in Possession of a Firearm. On May 25, 2007, Defendant completed his period of imprisonment and began service of his supervised term.

On April 23, 2010, the U.S. Pretrial Services Officer executed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated various mandatory and special conditions. Violation allegations two and three were dismissed by the Government. The petition also alleged violation of the following mandatory condition: the defendant shall not illegally possess a controlled substance.

The petition alleges that Defendant committed the following acts with regard to the remaining violation: Defendant provided a urine specimen on March 21, 2009, April 17, 2009, April 21, 2009, August 26, 2009, and February 5, 2010, which tested positive for amphetamine. Defendant

signed forms admitting amphetamine use prior to the specimens collected on March 11, 2009, April 17, 2009, and April 21, 2009.

Prior to the Government putting on its case, Defendant entered a plea of true to the remaining violation.

RECOMMENDATION

The Court recommends that the District Judge revoke Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twenty (20) months with no supervised release to follow. It is also recommended that Defendant be housed in the Bureau of Prisons, Texarkana Unit.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

SIGNED this 1st day of October, 2010.


AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE